

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

HENRY M. HEARNE,

Plaintiff

vs.

MOTION CONTROL INDUSTRIES,
DIVISION OF CARLISLE
CORPORATION, RETIREMENT PLAN
FOR BARGAINING UNIT EMPLOYEES
OF MOTION CONTROL INDUSTRIES,
DIVISION OF CARLISLE
CORPORATION,

Defendants

) Docket No. 04-276E
) (Judge Maurice B. Cohill, Jr.)
)
) ELECTRONICALLY FILED PLEADING
)
)
) DEFENDANTS' PROPOSED ORDER ON
) MOTION FOR SUMMARY JUDGMENT
)
) Filed on behalf of: Defendants
)
) Counsel of record for this party:
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)

DEFENDANTS' PROPOSED ORDER ON
MOTION FOR SUMMARY JUDGMENT

AND NOW, this ____ day of _____, 2006, it is hereby ORDERED that

Defendants' Motion for Summary Judgment is GRANTED, the Court having found that (1) Plaintiff has failed to exhaust his administrative remedies under the Plan Documents, and, as an additional basis for dismissal, (2) based on the plain language of the Plan Documents Plaintiff is not eligible to receive Disability Retirement Benefits. Judgment is hereby entered against Plaintiff and in favor of defendants, and the Clerk of Court is directed to mark this case as CLOSED.

HONORABLE MAURICE B. COHILL, JR.